

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

SIERRA CLUB, *et al.*,

*Plaintiffs,*

v.

MICHAEL S. REGAN, in his official  
capacity as the Administrator of the  
United States Environmental Protection  
Agency,

*Defendant.*

Civ. No. 4:21-cv-06956-SBA

**STIPULATION AND ORDER TO  
FURTHER ENLARGE TIME AND  
CONTINUE CASE MANAGEMENT  
CONFERENCE**

Plaintiffs Sierra Club, Natural Resources Defense Council, and Environmental Integrity Project and Defendant Michael S. Regan, Administrator of the United States Environmental Protection Agency (“EPA”) (collectively, the “Parties”) stipulate as follows:

1. The Parties have reached a tentative agreement that would resolve all issues remaining in this matter, other than the claim for costs of litigation, including attorneys’ fees, and have memorialized that agreement in a proposed Consent Decree.

2. Approval of any settlement on behalf of EPA requires review and approval by the appropriate officials at EPA and the United States Department of Justice. Approval of the settlement on behalf of Plaintiffs requires review and approval by the various decision makers within Sierra Club, Natural Resources Defense Council, and Environmental Integrity Project.

3. Pursuant to section 113(g) of the Clean Air Act, EPA must also publish notice of the settlement in the *Federal Register* and hold open a public comment period to allow persons not named in this case to comment on the proposed Consent Decree. 42 U.S.C. § 7413(g). After the public comment period, the EPA Administrator and the Attorney General will, as appropriate, promptly consider any written comments received. *Id.* If the federal government elects not to

1 withdraw or withhold consent to the proposed Consent Decree, the Parties will promptly file a  
2 motion requesting that the Court enter the Consent Decree.

3 4. The Parties agree that an additional 60 days is adequate time to complete this review  
4 and the 113(g) notice and comment process.

5 5. There have been three other time modifications for this case. Dkt. Nos. 20, 24, 28.

6 6. Defendant has filed an answer in this case. Dkt. No. 27.

7 5. Currently, April 25, 2022 is the Parties' last day to meet and confer regarding initial  
8 disclosures, early settlement, ADR process selection, and a discovery plan. Dkt. No. 28. A 60-  
9 day extension would change this deadline to June 24, 2022.

10 7. The Case Management Conference for this case is currently scheduled for Thursday,  
11 May 26, 2022 at 2:30 P.M. Dkt. No. 29. The Parties request that the Court reschedule this  
12 Conference for Thursday, July 28, 2022, or at such later time as is convenient for the Court.

13 8. This Court set May 19, 2022—seven days before the previously scheduled Case  
14 Management Conference—as the Parties' deadline to file a Rule 26(f) Report, complete initial  
15 disclosures or state an objection in a Rule 26(f) Report, and file a Case Management Statement.  
16 *Id.* The Parties request that the Court reschedule this deadline for July 21, 2022.

17 8. The Parties respectfully request that this Court enter this stipulation and extend all  
18 litigation deadlines for 60 days as outlined above and continue the Case Management  
19 Conference until Thursday, July 28, 2022, or at such later time as is convenient for the Court.

20 9. Pursuant to Local Civil Rule 5-1(h)(3), the undersigned counsel for Defendant attests  
21 that the other signatories listed below concur in the filing of this document.

22 Dated: March 31, 2022

Respectfully submitted,

23 s/ Paul Caintic

s/ Emily Davis

24 Paul Caintic (D.C. Bar No. 1779847)

Emily Davis (SBN 314152)

25 Andrew Coghlan (SBN 313332)

Natural Resources Defense Council

26 United States Department of Justice

111 Sutter Street, 21<sup>st</sup> Floor

27 Environment & Natural Resources Division

San Francisco, CA 94104

150 M Street, N.E.

Tel: (415) 875-6100

Washington, D.C. 20002

edavis@nrdc.org

28 Tel: (202) 514-2593

paul.caintic@usdoj.gov

*Counsel for Plaintiff Natural Resources  
Defense Council*

1 *Counsel for Defendants*

2 s/ Louisa Eberle

3 Louisa Eberle (SBN 320803)  
4 Sierra Club  
5 1536 Wynkoop Street, Suite 200  
6 Denver, CO 80202  
7 Tel: (415) 977-5765  
8 louisa.eberle@sierraclub.org

9 s/ Andrea Issod

10 Andrea Issod (SBN 230920)  
11 Sierra Club  
12 2101 Webster Street, Suite 1300  
13 Oakland, CA 94612  
14 Tel: (415) 977-5544  
15 andrea.issod@sierraclub.org

16 *Counsel for Plaintiff Sierra Club*

s/ Patton Dycus

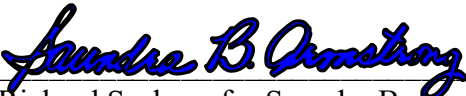
Patton Dycus (*pro hac vice*)  
Environmental Integrity Project  
315 W. Ponce de Leon Avenue, Suite 842  
Decatur, GA 30030  
Tel: (404) 446-6661  
pdycus@environmentalintegrity.org

*Counsel for Plaintiff Environmental  
Integrity Project*

\* \* \*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: 4/18/2022

 RS  
Richard Seeborg for Sandra B. Armstrong  
United States District Judge